

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

CSC HOLDING, INC.,

Plaintiff,  
-against-

ROBERT ROOK,

Defendant.

**FILED**

IN CLERK'S OFFICE  
U.S. DISTRICT COURT, E.D.N.Y.

★ SEP 25 2006 ★

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**MEMORANDUM AND ORDER**

No. 05-CV-0283 (FB) (ARL)

*Appearances:*

*For the Plaintiff:*

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**BLOCK, Senior District Judge:**

On July 17, 2006, Magistrate Judge Rosario Lindsay issued a Report and Recommendation ("R&R") recommending that a default judgment of \$5,131.00 be entered in favor of plaintiff, CSC Holdings, Inc. ("CSC"), and against defendant, Robert Rook. The R&R recited that "[a]ny objections to this Report and Recommendation must be filed with the Clerk of the Court with a courtesy copy to the undersigned within 10 days of the date of service of this Report," R&R at 8, and that "[f]ailure to file objections within this period waives the right to appeal the District Court's Order." *Id.* CSC's counsel served a copy of the R&R on defendants at their last known address on August 7, 2006, *see* Docket Entry #30 (Certificate of Service), making objections due by August 23, 2006. *See* Fed. RR. Civ. P. 6(a),

6(e). To date, no objections have been filed.

Where, as here, clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R & R without *de novo* review. See *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure timely to object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.”). The Court will excuse the failure to object and conduct *de novo* review if it appears that the magistrate judge may have committed plain error, see *Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000).

As no error appears on the face of the Magistrate Rosario Lindsay’s R&R, the Court adopts it without *de novo* review. The Clerk is directed to enter judgment in accordance with the R&R.

**SO ORDERED.**

Brooklyn, New York  
September 19, 2006

/signed/  
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FREDERIC BLOCK  
Senior United States District Judge